

Order

Michigan Supreme Court
Lansing, Michigan

August 1, 2008

Clifford W. Taylor,
Chief Justice

133223 & (43)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

BORGESS MEDICAL CENTER,
Plaintiff-Appellee,

v

SC: 133223
COA: 270773
Allegan CC: 04-036235-NF

JUAN RESTO,
Defendant,

and

SOUTHERN MICHIGAN INSURANCE
COMPANY,
Defendant-Appellant.

By order of October 3, 2007, the application for leave to appeal the January 9, 2007 judgment of the Court of Appeals was held in abeyance pending the decision in *Ross v Auto Club Group* (Docket No. 130917). On order of the Court, the case having been decided on May 7, 2008, 481 Mich 1 (2008), the application is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the majority opinion in *Borgess Medical Center v Resto*, 273 Mich App 558 (2007), and AFFIRM the judgment of the Court of Appeals for the reasons stated in the concurring opinion. The motion for leave to file brief amicus curiae by Phu Tran et al. is GRANTED.



p0729

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

August 1, 2008

Corbin R. Davis

Clerk